

**No. PD-0216-21  
PD-0217-21**

**IN THE COURT OF CRIMINAL APPEALS  
AT AUSTIN**

FILED  
COURT OF CRIMINAL APPEALS  
8/2/2021  
DEANA WILLIAMSON, CLERK

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**No. 09-18-00474-CR  
09-18-00475-CR**

IN THE  
COURT OF APPEALS  
FOR THE  
NINTH DISTRICT OF TEXAS  
AT HOUSTON

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**TIMOTHY AARON SWINNEY**

*Appellant*

**v.**

**THE STATE OF TEXAS**

*Appellee*

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Cause Number ND 7248 & ND 7289  
From the 1-A Judicial District Court  
Newton County, Texas

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**APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE BRIEF**

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To the Honorable Court of Appeals of Texas:

Comes now Timothy Aaron Swinney, Appellant, and moves for extension of time in which to file his brief on the merits, and, in support thereof, presents the following:

1. Appellant was charged with two counts of aggravated assault with a deadly weapon.
2. Appellant was found guilty by a jury and sentenced to 8 years for cause number ND 7248 and 2 years for cause number ND 7249 in the Texas Department of Corrections on November 7, 2018.
3. A unanimous panel of the Ninth Court of Appeals rendered judgment in an unpublished opinion on January 27, 2021, affirming appellant's conviction and sentence.
4. Appellant's motion for rehearing was denied on March 12, 2021.
5. Appellant's petition for discretionary was granted on June 30, 2021.
6. Appellant's brief is due July 30, 2021.
7. Appellant seeks an extension until August 30, 2021.
8. No previous extensions have been granted to the Appellant.
9. The facts relied upon to explain the need for this extension are:
  - a. Appellate counsel needs additional time to adequately research and write the brief.

b. Appellant's counsel has encountered numerous delays caused by the Harris County District Courts reopening in person this month following the COVID pandemic.

WHEREFORE, the Appellant prays that this Court will grant the requested extension of time until August 30, 2021.

Respectfully submitted,

**LAW OFFICE OF TONYA ROLLAND**

/s/ Tonya Rolland  
**Tonya Rolland**  
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**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing instrument has been e-served to the following addresses on July 29, 2021:

Courtney.Ponthier@co.newton.tx.us  
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/s/ Tonya Rolland  
**Tonya Rolland**  
**Attorney for Appellant**

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Tamara Buck on behalf of Tonya Rolland  
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#### Case Contacts

| Name              | BarNumber | Email                             | TimestampSubmitted   | Status |
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| Courtney Ponthier |           | Courtney.Ponthier@co.newton.tx.us | 7/29/2021 3:12:40 PM | SENT   |
| Brett Ordiway     |           | brett@udashenanton.com            | 7/29/2021 3:12:40 PM | SENT   |